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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

Case No. 5:09-cv-03043 PJH

IN RE FACEBOOK PPC LITIGATION

**STIPULATION TO STAY PROCEEDINGS  
PENDING RULING ON APPEAL IN NINTH  
CIRCUIT**

STIPULATED [PROPOSED] ORDER LODGED  
CONCURRENTLY

1 WHEREAS, On April 27, 2012, Plaintiffs Fox Test Prep and Steven Price ("Plaintiffs") filed a  
 2 petition pursuant to Rule 23(f) of the Federal Rules of Civil Procedure with the U.S. Court of Appeals  
 3 for the Ninth Circuit ("Ninth Circuit") seeking permission to appeal this Court's April 13, 2012 order  
 4 denying Plaintiffs' motion for class certification;

5 WHEREAS, on July 17, 2012, the Ninth Circuit granted Plaintiffs' petition for permission to  
 6 appeal;

7 WHEREAS, the parties believe a stay of all deadlines, including all discovery obligations under  
 8 the Federal Rules of Civil Procedure, and of any other provisions or orders governing pretrial or trial  
 9 proceedings in this case pending the resolution of Plaintiffs' appeal, will serve the interests of judicial  
 10 economy and efficiency and fairness to the parties, as the Ninth Circuit's resolution of Plaintiffs' appeal  
 11 will have a significant effect on the case as a whole.

12 Accordingly, the parties, by and through their counsel of record, hereby stipulate to a stay of this  
 13 action, including all discovery obligations under the Federal Rules of Civil Procedure, and of any other  
 14 provisions or orders governing pretrial or trial proceedings.

15 Dated: August 9, 2012

FINKELSTEIN THOMPSON LLP

16 By: /s/ Rosemary M. Rivas

17 Attorneys for Fox Test Prep and Steven Price

18 Dated: August 9, 2012

COLLEY LLP

19  
 20 By: /s/ Whitty Somvichian

21 Attorneys for Facebook, Inc.

22  
 23 **CERTIFICATION**

24 I, Rosemary M. Rivas, am the ECF User whose identification and password are being used to  
 25 file this STIPULATION TO STAY PROCEEDINGS PENDING RULING ON APPEAL IN NINTH  
 26 CIRCUIT. Pursuant to General Order 45, section X.B, I attest that Whitty Somvichian has concurred in  
 27 this filing.  
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